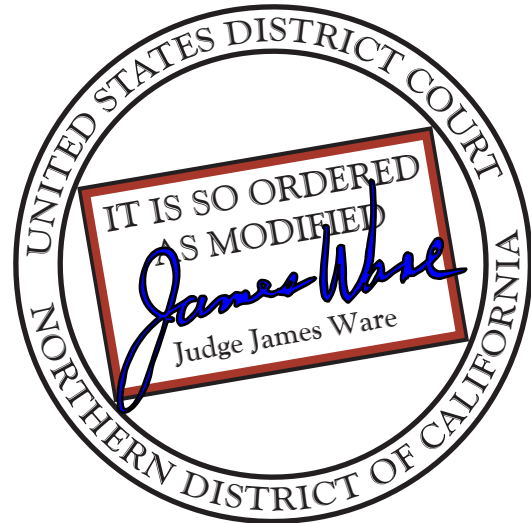


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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 VESTA STRATEGIES, LLC,

14 Plaintiff,

15 v.

16 ROBERT E. ESTUPINIAN, GINNEY
17 ESTUPINIAN, MUTUAL VISION, LLC,
18 MILLENNIUM REALTY GROUP,
19 VESTA REVERSE 100, LLC, VESTA
20 CAPITAL ADVISORS, LLC, CAROL-
21 ANN TOGNAZZINI, EDMUNDO
22 ESTUPINIAN, and HAYDEE
23 ESTUPINIAN;

24 Defendants.

Case No. C 07-06216 JW RS

(PROPOSED)

ORDER AUTHORIZING WITHDRAWAL OF
COUNSEL

Date: June 23, 2008
Time: 9:00 a.m.
Dept: Room 8, 4th Floor, SJ
Judge: James Ware

24 Presently before the Court is David L. Olson's Motion to Withdraw as Counsel of Record
25 for Defendant Carol-Ann Tognazzini. (hereafter, "Motion," Docket Item No. 64.) The Court finds
26 the motion appropriate for submission without oral argument. See Civ. L.R. 7-1(b). Based on the
27 papers submitted to date, the Court GRANTS David L. Olson's Motion to Withdraw as Counsel.
28

In a civil case, counsel may not withdraw from an action until relieved by order of the Court. See Civ. L.R. 11-5. Rule 3-700(C) of the California Rules of Professional Conduct provides that a lawyer may withdraw from representing a client where, among other things, (1) the client breaches an agreement with or obligation to the lawyer as to expenses or fees, or (2) other conduct renders it unreasonably difficult for the lawyer to carry out the employment effectively. Rule 3-700(C)(1)(d), (f).

In this case, counsel contends, *inter alia*, as follows:

(1) Defendant Tognazzini's failure and/or reluctance to authorize necessary and ordinary activities on her behalf has rendered it unreasonably difficult for [him] to carry out his employment and the prosecution of this matter on her behalf effectively;

(2) Defendant Tognazzini . . . [has] failed and refused and continue to fail and refuse to pay the attorney[] fees and costs due to [counsel].


(Motion¶¶1, 2.) In addition, Defendant Tognazzini has filed a declaration consenting to the substitution and withdrawal of counsel. (See Docket Item No. 66.)

The attorney-client relationship is usually an economic relationship. Based on Mr. Olson's representation and supporting declarations, the Court finds good cause to relieve Mr. Olson as counsel of record for Defendant Tognazzini.

The Court stays all currently scheduled filing deadlines in the case for thirty (30) days to give Defendant sufficient time to find substitute counsel. Mr. Olson shall remain as counsel of record for thirty (30) days for the purposes of receiving and providing legal documents until there is identification of substitute counsel. On or before **July 18, 2008**, Defendant shall file a Notice of Identification of Substitute Counsel or Notice of Self-Representation.

Mr. Olson shall send a copy of this Order to Defendant and file the necessary certificate of service. In light of this Order, the Court VACATES the hearing currently set for June 23, 2008.

Dated: June 18, 2008


JAMES WARE
United States District Judge